D.B.Civil Writ Petition No.5417/07

Dated:- 5.9.2007

HON'BLE Mr.RAJESH BALIA,J.
HON'BLE MR.SANGEET LODHA,J.

Mr. Shambhoo Singh, for the petitioner.

Having heard the learned counsel for the petitioner, we do not find any merit in this petition.

The petitioner's father had died on 25.1.1992 while in service of the respondents and notwithstanding that appointment on compassionate ground was offered to the mother of the petitioner in the year 1992 itself, she responded only after two years declining to accept the offer but instead prayed for giving appointment to his minor son on attaining the age of majority.

Thereafter, in January, 2004 after 12 years of the demise of the incumbent, an application was moved on behalf of the petitioner for seeking appointment on compassionate ground.

The very purpose of seeking appointment on compassionate ground had ceased to exist by the time the petitioner applied for. The appointment on compassionate ground under the rules does not give a vested right to claim a compassionate appointment at the convenient time by the dependents of the deceased employee. The scheme for appointment of dependents of an employee who had died while in service has been

adopted as an exception to general recruitment through regular recruitment process to overcome immediate necessity arising in the family due to demise of breadwinner.

Apparently, the petitioner's family had allowed that opportunity to slip away when the appointment was offered to the widow of the deceased in the year 1992 itself but, which was declined.

The Tribunal in our opinion was right in not granting any relief to the petitioner under these circumstances.

In view of the aforesaid observations,the writ petition fails and is hereby dismissed in limine.

(SANGEET LODHA),J. **(RAJESH BALIA),J.**

Aditya/-